

# **Exhibit 28**

# **Exhibit 331**

**From:** Andriesz, Simon [/O=CANTOR FITZGERALD/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ANDRIESZ, SIMON7B1]  
**Sent:** 11/30/2016 1:50:25 PM  
**To:** Pion, Paul [ppion@cantor.com]  
**Subject:** Incident report

Good morning Paul,

I wanted to reduce to writing our conversation given the gravity of the situation. As I related to you in that conversation, I am presently facing a very hostile workplace at BGC due to the conduct of JP Aubin. I spoke with you and Bill Shields from the General Counsel's office, and explained the situation regarding my very vulnerable health situation given my heart condition. I also said that I had gone to Mike Sulfaro, the Chief Compliance Officer, to obtain the name of the chairman of the Ethics Committee's details because HR would not give it to me. We spoke at length about what had been happening recently and since I joined BGC's New York office. We also spoke about the illegal transfer Jon McLoughlin forced me to make to [REDACTED] before I arrived in NY. I also stated that this was illegal but I was threatened into doing it. I was told that Lou Scotto would be furious if I didn't pay it from my private account. I made the payment and then when I arrived they denied it ever happened. Three months later Lou Scotto told me he never asked me to make any payment, and that he had actually asked JP Aubin. I then said they paid the money back through the bonus scheme which is subject to 10% share allocation and that thus the payment was illegal.

We also spoke about the events around the eve of the election and how I had been feeling very sick due to the actions of JP Aubin when I first came forward about accounting manipulation by Aldric Marinos. I mentioned the retaliation and that the fabricated letters of warning were then removed. On my return I produced the undeniable evidence of the erroneous accounting, the issue that had been created given my inability to pay my brokers correctly and incentivize them. I also suggested that JP Aubin was so distant from the business that he didn't know we were [REDACTED] in revenue 2016 vs. 2015. I also informed you of my belief he was [REDACTED] without any consultation with me. And, I informed you that we knew [REDACTED]

[REDACTED] I also explained how stressful this was and that I believed he was trying to dismantle my business and push me out. I suggested he would also use the excuse of my handing in my advanced one year notice. I also explained that I had spoken to him about this and said I have a heart condition so who knows what will happen in two years. I need the flexibility and because it's purely a function of contract. I also said, why would I leave given that I'm [REDACTED] on last year, that it would be crazy to do this. I suggested there is absolutely no excuse for [REDACTED]

[REDACTED] I believed he was again retaliating against me for going to the whistleblower for the accounting fraud. I said that took me nine months to resolve and caused absolute chaos in the teams. I was unable to pay my brokers correctly and incentivize them for the work they did.

We spoke about the fact I had 27 years in the market in senior positions with a completely clean record and no issues with HR. I also pointed out that every manager that has worked for JP Aubin has either ended up in hospital and left, sued and settled, or has been fired for insubordination. I cited Mike Riffice, and [REDACTED]

[REDACTED] He then left. Laurent Imbert, who was Mike Riffice's predecessor, sued for stress and breach of contract. I believe they settled. I said all these managers worked for JP Aubin and I believe he was being protected by the firm internally and by HR.

I also informed you that I had gone back to the general counsel to ask, because of my disability, to be allowed to change my reporting lines away from JP Aubin. I appealed to Emily from GFI Legal that he was making me very ill and I needed protection. I informed you that that [REDACTED]

[REDACTED] I said this would destroy what was a fantastic business for the firm.

You repeatedly asked me if I was feeling okay. I replied that, no, I'm not feeling okay. I'm having panic attacks all the time. The tightness in my chest that comes with these panic attacks makes me feel like I'm having another heart attack.

Finally we discussed the fact that, regardless of any investigation or claims and who was right or wrong, my safety in the work place should come first. I said again that I need support and protection from harassment and abuse. I said that I can do the job well but dealing with JP Aubin's agenda and HR was making me ill and I was afraid of having another heart attack at work.

I believe you have been kind and that you showed genuine empathy for my situation in our discussion. I have felt compelled to come forward again to report what as I see as serious breaches in BGC's code and also my responsibility to report the issues described above.

Best regards,

Simon

Sent from my iPhone